



## Department of Energy

Brookhaven Site Office  
P.O. Box 5000  
Upton, New York 11973

May 9, 2005

Dear Brookhaven National Laboratory Stakeholders

Section 3161 of the fiscal year (FY) 1993 National Defense Authorization Act requires that a work force restructuring plan be developed whenever work force restructuring occurs at any of the Department of Energy's (DOE) designated Defense Nuclear Facilities. Brookhaven National Laboratory (BNL) is among the list of designated Laboratories.

In accordance with Section 3161, DOE has developed a draft Work Force Restructuring Plan for BNL. The intent of the plan is to create a framework to serve as a basis for communicating and ensuring the fair treatment of BNL employees in the event of a significant workforce restructuring. It should be noted that such a plan is usually invoked when 100 or more employees in a 12 month period are impacted.

While the Laboratory has experienced a number of voluntary and involuntary reductions in the last 12 months, the necessity to put a Plan in place at this time is strictly a matter of compliance and readiness. The BNL Plan is currently in draft form and has received preliminary approval from the Office of Legacy Management in DOE Headquarters to place it in the public domain for comment.

This plan can be examined on the BNL site in the BNL Research Library reading room, at the Longwood Public Library, 800 Middle Country Road, Middle Island, New York and on the internet at <http://www.bnl.gov/bnlweb/workforce.asp>.

It should be noted that the plan does not result in any changes to the benefits and rehiring policy of the Laboratory as it presently applies to employees who are affected by a layoff.

The comment period will commence on May 9, 2005 and close on May 20, 2005. Comments may be provided by email to [telldoe@bnl.gov](mailto:telldoe@bnl.gov) or in writing to Michael Holland, Brookhaven Site Manager @ 53 Bell Avenue, Upton, New York 11973. Your comments, along with those from other stakeholders such as employees, local community associations and other elected officials, will be considered and incorporated when feasible, into the Plan. A final Work Force Restructuring Plan will be developed and promulgated shortly after the conclusion of the comment period.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Holland", is written over the typed name.

Michael D. Holland  
Brookhaven Site Manager

**DRAFT WORK FORCE  
RESTRUCTURING PLAN OF  
BROOKHAVEN NATIONAL LABORATORY**

**THE UNITED STATES DEPARTMENT OF ENERGY  
BROOKHAVEN NATIONAL LABORATORY**

**DRAFT - March 29, 2005**

MODIFICATIONS TO THIS PLAN OR TO PLAN BENEFITS MAY BE REQUIRED IF CIRCUMSTANCES CHANGE, E.G., IF THERE IS A CHANGE IN IMPLEMENTING POLICY OR IN FUNDING CONSTRAINTS. THE DEPARTMENT OF ENERGY RESERVES THE RIGHT TO CHANGE THE TERMS OF THIS PLAN. THERE IS NO GUARANTEE THAT ANY REQUIRED FUTURE RESTRUCTURING OF THE WORK FORCE WILL HAVE BENEFITS EQUAL TO OR GREATER THAN THOSE CONTAINED WITHIN THIS PLAN. IT IS NOT THE INTENT OF DOE IN IMPLEMENTING THIS WORK FORCE RESTRUCTURING PLAN TO CREATE ANY PRIVATE RIGHT OF ACTION, OR TO MODIFY OBLIGATIONS IMPOSED UPON EMPLOYERS OR EMPLOYEE REPRESENTATIVES BY LAW, EXECUTIVE ORDER, OR CONTRACT.

**DRAFT WORK FORCE  
RESTRUCTURING PLAN OF  
BROOKHAVEN NATIONAL LABORATORY**

**Table of Contents**

<b>I.</b>	<b>Introduction .....</b>	<b>4</b>
<b>II.</b>	<b>Plan Objective .....</b>	<b>4</b>
<b>III.</b>	<b>Background .....</b>	<b>6</b>
<b>IV.</b>	<b>Responsibilities .....</b>	<b>7</b>
<b>V.</b>	<b>Restructuring Policy &amp; Procedure .....</b>	<b>7</b>
<b>VI.</b>	<b>Employee Transition Assistance .....</b>	<b>9</b>
<b>VII.</b>	<b>Community Assistance Programs .....</b>	<b>14</b>
<b>VIII.</b>	<b>Nationwide Consideration .....</b>	<b>15</b>
<b>IX.</b>	<b>Notification Process .....</b>	<b>15</b>
<b>X.</b>	<b>Conclusion .....</b>	<b>16</b>

**Appendices**

Appendix A - Work Force Investment Act of 1998  
Appendix B - Eligibility Criteria for Preference in Hiring  
Appendix C - General Release and Waiver  
Appendix D - Excerpts from Supervisors' Personnel Manual  
Appendix E - Economic Dislocation and Worker Adjustment Assistance Act  
Appendix F - Job Training Partnership Act  
Appendix G - Preference in Hiring: Annual Recertification

## **I. INTRODUCTION**

The Work Force Restructuring Plan for Brookhaven National Laboratory (BNL) is pursuant to Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484). The BNL Work Force Restructuring Plan was developed using the process described in Section 3161 and the Planning Guidance For Contractors Work Force Restructuring as provided by the U. S. Department of Energy Office of Worker and Community Transition. This plan will be updated as the Department of Energy (DOE) determines necessary, with the objectives to minimize worker and community impacts while retaining employees with the skills, knowledge and experience to support the current and future missions of the Laboratory.

## **II. PLAN OBJECTIVE**

This Work Force Restructuring Plan will detail monetary, programmatic and other placement assistance offered to eligible employees of Brookhaven National Laboratory if affected by a reduction-in-force. The ability to provide the benefits described herein beyond those required in existing policies is dependent upon sufficient funding being provided from The Office of Legacy Management (formerly known as the Office of Worker and Community Transition) and Congressional appropriation.

It is the intent of the Department of Energy to accomplish restructuring, when necessary, with minimal social and economic harm to the people and communities who have served the Department of Energy. The plan is to minimize involuntary separations, reduce the impact on individuals who are involuntarily separated, and alleviate any detrimental effect on the surrounding communities. The plan includes the following provisions for eligible employees:

- Internal transfers to job openings within BNL's work force where employees can perform the work required with minimal retraining.
- Voluntary separation programs to encourage employees who may wish to terminate their employment if provided incentives. Volunteering by those who qualify may save the job of another employee who would not have otherwise been retained and thereby reduce the need for involuntary reductions.
- Retraining assistance for both internal and external job opportunities.
- Outplacement assistance programs for affected employees to maximize job placement possibilities.
- Consultation and coordination with the state, community and area stakeholders to ensure that avenues of available assistance are determined and offered to affected workers. (See Appendix A - Work Force Investment Act of 1998.)
- Rehiring Preference (DOE JOBBS).
- Displaced Workers Medical Benefits Program

## Plan Eligibility Criteria

The benefits in this Plan apply to all employees of contractors and subcontractors who meet the eligibility requirements set forth below, although it does not necessarily provide all of them with the same benefits.

- **Regular employees** are employed for an indefinite period of time with no specified ending date. Such employees include full-time and part-time employees who work 20 or more hours per week.
- **Intermittent Workers, Including Construction Workers:**
  - Must have worked at a defense nuclear facility on or before September 27, 1991;
  - Must have worked at a facility within 180 days preceding the work force restructuring notification;
  - Must have worked at a facility a total time, including time worked prior to September 27 1991, equivalent to an employee having worked full-time from September 27 1991, to the date of the restructuring notification, or have actually worked the industry standard of full-time from September 27 1991, through the date of the restructuring notification; and,
  - Must have been affected by the announced restructuring within a reasonable period of time (e.g., one year). For an intermittent worker, this includes the interruption of a project before its anticipated completion, or the completion of the assignment or project without prospect for a follow-on assignment.

Temporary employees are not covered under this Plan. Future amendments to this Plan could change these eligibility criteria.

### III. BACKGROUND

Brookhaven National Laboratory is a multi-purpose laboratory that is located approximately 75 miles east of New York City on Long Island. BNL's work force consists of approximately 2,742 employees. The annual operating budget is approximately \$400 million for the entire Laboratory.

Brookhaven National Laboratory is a lead laboratory in DOE's Science and Technology mission. Its broad role is to produce excellent science and advanced technology in a safe, environmentally benign manner with the cooperation, support, and appropriate involvement of our many communities. The elements of the Laboratory's mission, which support the four DOE strategic missions are:

- To conceive, design, construct, and operate complex, leading edge, user-oriented facilities in a safe, environmentally benign manner that is responsive to the DOE and the needs of the international community of users.
- To carry out basic and applied research in long-term programs at the frontier of science in support of DOE's missions.
- To develop advanced technologies that address national needs and to transfer them to other organizations and to the commercial sector.
- To disseminate technical knowledge, to educate new generations of scientists and engineers, to maintain technical capabilities in the nation's work force, and to encourage scientific awareness in the general public.

#### Work Force Composition

Under the present operating budget, Brookhaven National Laboratory's research and development programs are supporting a work force of 2,742 regular full-time and regular part-time employees. The present composition of the work force is as follows:

##### Exempt

Management	148	
Scientific	550	(includes 126 RA and Visiting Scientists)
Professional	402	
Info. Technology	226	
Administrative	250	
Technicians	278	
Total Exempt	1,854	

##### Non-Exempt

Admin/Clerical	223
Technicians	238
Union	427
Total Non-Exempt	1,135

**Total Laboratory**                      **2,742**

## **IV. RESPONSIBILITIES**

Upon the determination that a change in the work force is necessary at a DOE defense nuclear facility, it is the DOE that is responsible for defining the objective and developing a plan for restructuring the work force.

### **Communications**

Timely and accurate communication with employees is essential. The Laboratory is responsible in the first instance for communicating information regarding work force restructuring to employees, including information on any proposed voluntary separation plans or related releases. The Laboratory is expected to obtain all appropriate clearances from the DOE, to comply with the requirements of DOE Directive 350.1 regarding announcement of involuntary separations, and to provide the most accurate information possible to employees regarding budget impacts and any other situations that are expected to result in work force changes. The Laboratory will ensure that information intended for release to internal or external audiences will be consistent with legal and contractual requirements.

### **Restructuring Objective**

The objective of a restructuring plan is to manage the work force to ensure that the employees with essential knowledge and skills needed to continue the mission of the Laboratory's programs are preserved and at the same time minimize the impact on effected employees and the communities in which they live. Consideration will be given to the use of attrition and voluntary separation programs before involuntary programs are considered.

Positions filled by temporary workers will be assessed to determine whether the positions are critical to the restructuring mission. Temporary employees in non-critical positions will be released as their positions' responsibilities are eliminated.

## **V. RESTRUCTURING POLICY & PROCEDURE**

### **Policy**

The Department of Energy and Brookhaven National Laboratory recognize a continuing responsibility to employees. No reduction-in-force will be implemented until a determined effort is made to explore possible alternatives.

Reduction-in-force may be necessary in specific instances for a variety of reasons. It is BNL's policy that whenever a reduction-in-force is necessary, the determining criteria, procedures, and administrative reviews will be as uniform and equitable as possible and consistent with fair and equal treatment of employees throughout the Laboratory.

Reduction-in-force involves the involuntary termination of employment of an employee from the Laboratory, and may occur because of loss of supporting funds or work projects. During times of financial austerity, it may be necessary for BNL to reduce overall employment levels. At other times, funding for specific scientific programs may be cut back or canceled. In any reduction-in-force, it is BNL policy to retain employees of the

greatest value to current and future programs. If an opening exists in another program, the Laboratory will make an effort to accommodate the transfer of an employee being involuntarily separated to the other program.

In addition, the Laboratory may implement a Voluntary Separation Program if it is determined by Laboratory management that voluntary separations will contribute to the overall efficiency of the Laboratory or reduce the need for involuntary separations under a formal reduction-in-force.

### **Internal Placement**

Eligible employees who have received notification of involuntary separation will be given consideration for available vacant positions for which they qualify at Brookhaven National Laboratory. (See Appendix B-Eligibility Criteria for Preference in Hiring.) The following Laboratory procedures have been implemented:

- Vacant positions will be reviewed by the Human Resources Director and filled from outside the Laboratory only after it has been determined that there are no qualified affected employees available for consideration.
- BNL employees affected by reduction-in-force (RIF) may be considered for Laboratory vacancies in which they are interested, provided they submit appropriate application forms. If such a RIF-affected employee is rehired within 12 months from their date of separation, they will be reinstated as if returning from a Leave of Absence. Bargaining unit members have recall rights, to the extent such rights are specified, in their respective agreements.
- Standard procedures established to assist employees who receive reduction-in-force notification include:
  - Interview with a BNL Human Resources Specialist to review education, training, experience, skills and job interests and assistance with resumé revisions, and reproduction.
  - Provide current BNL job openings list from "Laboratory and Open Recruitment" postings.
  - Notification to hiring manager that candidate is an employee being affected by a reduction-in-force (RIF).
  - Waive Laboratory posting of position, identified for employee being affected by a reduction-in-force (RIF).

### **Voluntary Separation Programs**

Voluntary separation programs that provide incentives for employees who may be affected by an involuntary reduction-in-force may be offered to alleviate the adverse impact on other employees scheduled for an involuntary reduction. A voluntary reduction gives the Laboratory the ability to reduce or eliminate the need for involuntary reductions. Eligibility for such voluntary separations will be determined by BNL

management. Such programs may be offered to eligible employees only if funding is available to provide separation benefits, and the positions vacated would be assessed to determine whether they would be critical to the restructuring mission. BNL management would retain the right to decline offers by employees to leave under a voluntary separation program to retain a work force with the skills necessary to continue the mission of the Laboratory.

Voluntary separation programs may require a General Release and Waiver agreement signed by the separating employee restricting re-employment at BNL, DOE and other DOE contractors for a one-year period. Other restrictions may be applied in the agreement to provide consistency with Departmental guidance. (See Appendix C - General Release and Waiver.)

### **Involuntary Reduction-In-Force**

When a reduction-in-force is necessary, it will be carried out under uniform procedures in accordance with BNL policies. Bargaining unit members will follow the grievance procedure in their respective agreement. (See Appendix D - Excerpts from Supervisors' Personnel Manual.)

## **VI. EMPLOYEE TRANSITION ASSISTANCE**

### **Work Force Retraining Plan**

The Department of Energy is committed to assisting workers affected by restructuring to obtain retraining, education, and other assistance to ease their transition to either internal or external positions. Such retraining, education and other assistance is subject to available funding from the Department of Energy.

### **Retraining Program Objectives**

The primary objectives for retraining workers are:

- To reduce the adverse impacts on dislocated workers and the surrounding communities by facilitating the development of marketable skills for reentering the work force.
- To address the needs of affected workers by ensuring that they are provided with assistance in assessment of current skills, career development and redirection, and job-hunting skills.
- To identify available resources to provide the above services.

## **Strategy**

The implementation strategy to achieve this objective will be:

- Training and assistance through the Economic Dislocation and Workers Adjustment Assistance Act (EDWAAA) programs (See Appendix E - Economic Dislocation and Worker Adjustment Assistance Act). DOE will pursue funding through appropriate Federal, state and community agencies (See Appendix A-Work Force Investment Act of 1998.)

### **Employees Reassigned at BNL - Training for Internal Placement**

An internal needs analysis will be conducted to identify areas of anticipated employment needs at Brookhaven National Laboratory. When a sufficient number of positions are projected requiring specific job skills, trainers will be provided to retrain affected employees for these specialized jobs, subject to available DOE funding. Curricula will be developed to meet the specific training needs for internal employment.

### **Employees Separated from BNL - Training for External Placement**

As an extension of the outplacement services provided, DOE will pursue funding programs through the Federal Economic Dislocation and Worker Adjustment Assistance Act (EDWAAA), in cooperation with the Work Force Investment Act (WIA) of 1998. The EDWAAA offers assessment of skills and interests, resumé preparation, literacy and English training, job search and placement assistance, career exploration, General Education Development (GED) programs, and selected vocational training and academic training. Assistance, training services and tuition, books and fees are federally funded and provided free of charge to eligible participants.

The Human Resources staff at the Laboratory will work with effected employees and provide them with assistance in taking advantage of various Federal and State programs which are designed to provide such assistance.

### **Group Outplacement Workshops**

Group outplacement services will be provided to employees affected by the reduction-in-force and may include the following services:

1. Resumé Development
2. Resumé Printing
3. Writing Cover Letters
4. Interviewing Techniques
5. Marketing Techniques
6. Access to job postings (newspapers, the Internet, JOBBS, etc.)
7. Completing Job Applications
8. Discussing & Negotiating Wages
9. Financial Planning
10. Setting a Career Objective
11. Developing Educational and Skill Goals

## 12. Follow-up Counseling Sessions

### **Outplacement Educational Assistance**

The programs offered through EDWAAA and WIA are limited to selected Associate Degree programs and career training programs. Federal funding for academic programs and training is limited and decided on an individual basis. Due to the nature of the work force, some of the affected employees may not be able to use EDWAAA nor WIA educational funding, especially if the employee requires bachelor or graduate degree course work or training.

The outplacement educational assistance could provide for additional education or training to meet career qualifications in the current employment market. Pending DOE approval and federal funding, the outplacement educational assistance program is proposed to provide Brookhaven National Laboratory's RIF-affected employees with the opportunity to facilitate career development and acquisition of skills and knowledge for future external employment. It would not apply to employees accepting voluntary termination or early retirement. Educational reimbursement for course work underway at the time of separation would be provided by the Laboratory upon verification of completion with a grade of "C" or above.

### **Counseling and Other Programs**

#### **Employee Assistance Program**

The Laboratory provides professional counseling and referral services to employees and their families on personal, financial, legal and other issues through the Employee Assistance Program.

#### **Retirement - Pension & Medical Plans**

All employees who are participating in the Medical Plan and who terminate employment after attaining age 55 and have a combination of age and years of continuous service immediately prior to retirement (5 years minimum) that total 70 or more may participate in the medical plan with their covered dependents by paying the required premiums. Retirees otherwise eligible who are subsequently employed elsewhere will become ineligible for retiree medical coverage if eligible for coverage under another group medical insurance plan. Such subsequent employment will not preclude the retiree from again being eligible if he or she becomes ineligible for coverage under any group medical plan.

All employees hired prior to January 1, 1988 who terminate employment during the calendar year in which they attain age 55, 56, or 57 and have completed three or more years of continuous service may participate in the medical plan with their covered dependents by paying the full cost of the plan, provided they do not become eligible for coverage under another group medical insurance plan. Employees who terminate employment during the calendar year in which they attain age 58 or later and have at least three years of continuous service or continue medical insurance in accordance with the

provisions of the preceding paragraph, may participate in the medical plan with their covered dependents by paying the required premiums.

The Laboratory's retirement programs may include:

- Retirement Income
- Retiree and Dependent Healthcare Plan

### **Displaced Workers Medical Benefits**

Employees leaving under a voluntary or involuntary separation program may be eligible for medical coverage under the DOE Displaced Workers Health Benefits Program (DWHBP), provided they are not eligible for coverage under another plan, e.g., another employer's group health plan, Retiree Medical Plan, a spouse's medical plan or Medicare. The Laboratory's Medical Plan for active employees will end on the date the employee separates from employment. Beginning the next day and for a total period of 12 months, if the employee elects to continue medical coverage, the Laboratory will continue to pay the employer portion of the medical premium share and the employee will be billed for the employee premium. During the second year after termination, the employee will be responsible for one half of the full Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 rate for this coverage with the Laboratory paying the remainder. In the third and subsequent years, the separated employee will be responsible for paying the full COBRA rate.

If an employee is eligible for coverage from another employer, or spouse's employer, but that employer's coverage contains a pre-existing condition limitation, the employee will be allowed to continue to receive benefits under the DWHBP for the pre-existing condition until the limitation period is satisfied. Similarly, the employee may continue coverage under the DWHBP during any waiting period before coverage under a new plan is effective.

In order to qualify for benefits under the approved Health Benefits Program for Displaced Workers, a displaced worker must have been:

- 1) On the employment roll of a DOE management and operating contractor (M&O) performing work (including service work) at a DOE facility and voluntarily or involuntarily separated as a result of the implementation of a work force restructuring plan requested by the Secretary of Energy;
- 2) Eligible for medical insurance coverage under the employer's plan at the time of separation from employment; and,
- 3) Not eligible for coverage under another employer's group health plan or Medicare since the time of separation.

Employees who do not meet eligibility requirements defined above under the Health Benefits Program for Displaced Workers may alternatively elect to continue medical coverage under COBRA.

## **Severance Allowance**

Severance allowances are paid in accordance with the Laboratory's Severance Plan Description. Severance is designed to assist active regular employees, working at least 20 hours per week, whose earnings are cancelled by layoff. Accordingly, employees who work less than 20 hours per week, are on temporary appointment or leave of absence are not eligible for severance pay. An eligible employee affected by a reduction-in-force will receive severance pay in an amount determined by the length of most recent continuous service with the Laboratory. An employee who volunteers for layoff in lieu of another employee who would have been laid off involuntarily may be provided severance pay.

The amount of severance pay is based on length of continuous service at the time of termination according to the following formula, with a maximum allowance of 39 weeks' base pay:

<b>Years of Service</b>	<b>Severance Payment</b>
First 10 years	1 week for each year
Over 10 through 15 years	1.5 weeks for each year over 10 years
Over 15 years	2 weeks for each year over 15 years

Severance pay for non-bargaining employees is capped at a maximum of \$45,000.

Severance pay for bargaining unit employees will be in accordance with applicable provisions of collective bargaining agreements.

Employees with less than one year of service are credited with a full year's service. For the final year of employment, service is computed in quarterly increments with a full quarter's credit given for any fraction of a quarter attained. Severance payment for eligible part-time employees will be pro-rated in accordance with the employee's official work schedule. Continuous service (defined as employment unbroken by termination) will be reduced by time spent on Leave of Absence, or in an employment category ineligible for severance pay benefits.

Under Laboratory policy, severance pay may not be granted twice for the same period of service. An employee who was previously laid off with severance pay will therefore be allowed on a second layoff, severance pay based only on that portion of service not included in the first calculation.

Severance allowance will not be provided to an employee who transfers to or refuses an offer to another comparable BNL position. An employee who receives a severance allowance shall not be re-employed as an employee or under a personal service contract for a period of time equal to the period of time it would have taken to earn the severance allowance as salary at the employee's last rate of pay. An employee may refund the balance of the severance pay to be re-employed at an earlier date.

## **Unemployment Benefits**

Employees separated from BNL through a reduction-in-force may be eligible for unemployment benefits and should contact a New York State Department of Labor Unemployment Insurance office nearest their home. The Human Resources Division will provide information relative to Unemployment Insurance Benefits at the time an employee is separated.

## **VII. COMMUNITY ASSISTANCE PROGRAMS**

### **Stakeholder Participation**

Community assistance can play an important role in successfully achieving the objective in a restructuring plan, but the affected communities must be motivated to contribute in an essential way to have a successful economic transition. The Department of Energy is committed to the process of comprehensive and systematic involvement of all stakeholders in this process. The Department of Energy will ensure effective consultation with the affected community representatives. The goal of this public participation element is to create an environment and establish mechanisms that will encourage stakeholder participation in decisions and activities that will affect them and their communities as a result of this restructuring plan.

### **Job Training Partnership Act (JTPA)**

The U. S. Department of Labor Job Training Partnership Act Title establishes programs of employment and training assistance for dislocated workers. It is the purpose of the Act to establish programs to prepare youth and unskilled adults for entry into the labor force; and to afford job training to those economically disadvantaged individuals and others facing serious barriers to employment who are in special need of such training to obtain productive employment. DOE will pursue programs through JTPA pending available funding assistance with federal or state agencies. (See Appendix F - Job Training Partnership Act.)

### **Economic Dislocation & Worker Adjustment Assistance Act (EDWAAA)**

The U. S. Congress established the EDWAAA in 1988 to ease the disruption of employees, employers and the community when faced with a reduction-in-force or plant closing. The state and federally funded programs are designed to prepare dislocated workers for reemployment by providing workers with pre-layoff assistance, on-the-job training, assessment of job-related skills, resumé preparation, job search and placement assistance, vocational training and classroom training. DOE will pursue programs through EDWAAA pending available funding assistance with federal or state agencies.

### **Work Force Investment Act of 1998 ("One-stop" System)**

Core services: outreach, intake, assessment, job search, labor market information, unemployment insurance claim filing, supportive services, placement assistance, career counseling.

Intensive services: skill/diagnostic testing, individual employment plan development, group counseling, short-term prevocational plan development.

Training services: market-based system, linking training to occupations in demand in local area or another geographical area where the individual is willing to relocate; states and local boards establish Individual Training Accounts (ITAs) for voucher, credit, debit or repository for training funds.

## **VIII. NATIONWIDE CONSIDERATION**

### **Preference in Hiring for Eligible Separated Employees**

The DOE JOBBS system is designed to expedite redeployment among DOE site and is available to employees affected by work force restructuring. Involuntarily separated employees who meet the DOE guidelines can put their resumés in the JOBBS database and receive the DOE department-wide hiring preference under Section 3161. To be eligible to receive Section 3161 benefits, regular employees must have been:

- Employed at a DOE defense nuclear facility on or before September 27, 1991;
- Employed in a full-time or part-time regular capacity at a facility from that date through the date of the work force restructuring notification; and,
- Must have been involuntarily separated other than for cause.

An individual's hiring preference continues until termination by the action (or inaction) of that individual. Initially, and on an annual basis thereafter, eligible individuals must certify their desire to retain their hiring preference. Actions that would terminate an individual's hiring preference include: voluntary termination or termination for cause from a position that was obtained through the exercise of the preference, or failure to comply with the annual certification requirement. (See Appendix G-Preference in Hiring: Annual Recertification)

### **Relocation for Eligible Separated Employees**

BNL employees affected by reduction-in-force may be eligible for financial assistance to relocate as a result of their new employment with another DOE contracted facility. Specific reimbursement and payments will be determined according to position and applicable condition provisions with the other facility. The provision is dependent upon available funding from the other facility and/or DOE.

## **IX. NOTIFICATION PROCESS**

### **National Defense Authorization Act**

The National Defense Authorization Act required that the Department of Energy consult with site stakeholders affected by the change in work force during development of the work force restructuring plan. The Department of Energy and Brookhaven National Laboratory intend to provide BNL workers, surrounding communities and Congress with notice of a pending work force restructuring at least 120 days prior to implementation,

provided that such advance notification is practical. While BNL is located in the New York Metropolitan area, the Laboratory is one of the major employers in Suffolk County. As such, a large work force restructuring could potentially have an adverse impact on the local economy. To minimize the impact of these potential job reductions on employees and in the surrounding communities, the Department of Energy will coordinate the efforts of both government and non government stakeholders to ensure a smooth transition, should an involuntary reduction of personnel be required.

### **Stakeholders Review**

Responses from stakeholders will be collected and assessed concerning their impact and assistance in the restructuring plan. A copy of this plan is available for employees, representatives of labor unions, subcontracting companies and general public. Copies of the plan will also be available for review in DOE's field offices, on BNL's website and placed in public libraries and other public reading rooms. Additional copies will be available upon request. DOE will allow for a two (2) week comment period.

### **Worker Authorization and Retraining Notification Act (WARN Act)**

Under the Worker Authorization and Retraining Notification Act (WARN Act), a mass layoff is defined as a layoff which results in an employment loss, at a single site of employment, during any 30-day period for -

33% of the regular full-time employees, that is equal to or greater than at least 50 regular full-time employees

or

500 or more regular full-time employees

The WARN act requires that workers impacted by a mass layoff be given individual, written notice 60 days in advance of a pending layoff. It is not expected that BNL's involuntary reductions-in-force will require implementation of the provisions of the WARN Act. Should implementation of involuntary reductions-in-force be necessary, it is planned to provide as much notice as possible to affected BNL employees, but not less than two weeks.

## **X. CONCLUSION**

This Work Force Restructuring Plan for Fiscal Year 2005 has been developed to meet the requirements and spirit of the National Defense Authorization Act for Fiscal Year 1993 with regard to mitigating the impact of potential downsizing on workers and their communities. The framework of this plan will form the baseline for future restructuring at Brookhaven National Laboratory, subject to revised incentive components appropriate to the restructuring needs of the organization. As changes to this approach become necessary, they will be distributed via updates, amendments or addenda to the Work Force Restructuring Plan.